

REMARKS

Reconsideration of the application is requested.

Claims 10-20 remain in the application. Claims 10-20 are subject to examination. Claim 10 has been amended.

Under the heading "Claim Rejections – 35 USC § 103" on page 3 of the above-identified Office Action, claims 10, 11, 13-15 and 18 have been rejected as being obvious over EP 0825 506 A2 to Thibault et al. in view of U.S. Patent No. 6,598,142 B2 to Paavilainen et al. under 35 U.S.C. § 103.

Claim 10 has been amended to better define the invention. Support for the changes can be found by referring to the translated specification at page 3, lines 23-26 and at page 4, lines 9-16.

Applicants do not agree with the opinion of the Examiner. In particular, applicants refer to the Examiner's analysis set forth in the section of the Office Action entitled "Response to Arguments". Thibault et al. do not disclose the following features of claim 10 (newly added features have been underlined):

- a) controlling and/or monitoring of data exchange between the communication unit and the data source with a processing sequence;
- b) the processing sequence comprising processing routines each having

an identical input interface, the processing routines being callable in any order;

- c) calling the processing routines in succession with the runtime system;
and
- d) managing, with the runtime system, a dynamic memory area and
accessing the memory area with the runtime system to stipulate an order
wherein the processing routines are called by the runtime system.

With respect to feature a):

The Examiner argues that one of ordinary skill in the art at the time the invention was made would know that controlling and/or monitoring the data exchange would have been performed by controlling and/or monitoring the system through which the communication is connected.

Applicants respectfully disagree and maintain that the data exchange is not controlled and/or monitored in the method disclosed in Thibault et al.

Applicants stress that in Thibault et al., the data exchange is not controlled and/or monitored by the system through which the communication is connected.

The system between the communication unit and the data source transfers commands/requests from the communication unit to the data source, collects data according to the commands/requests and transfers this data back to the communication unit (see column 5, lines 46-56, column 9, lines 32 - 42). The

data reflects the status of the data source (the process control apparatus 19) - insofar as the communication unit monitors the status of the data source (the process control apparatus 19) (see column 5, lines 1-6). The data exchange itself is not controlled and/or monitored.

Furthermore, a command like "OMOPEN list" identifies the data that is asked for by the user of the communication unit. This data is collected and sent from the data source to the communication unit without any control of the data exchange itself (e.g. if the user of the communication unit is authorized to receive this data. The command "OMOPEN list" is not a processing routine that controls and/or monitors the data exchange.

With respect to feature b):

With or without the optional interface section 25b between the front end 25a and the object manager 25c (see column 7, lines 30-31, and 44-46), the front end 25a and the object manager 25C cannot be called by the runtime system in any desired order. The communication unit calls the front end 25a by sending a request/text string (see column 7, lines 7-10, Fig.2 "OMOPEN point1, etc."). The called front end 25a transforms the format typ (Fig. 2 "OMOPEN list") and calls the object manager 250. Because the communication unit cannot directly communicate with the object manager 25c (see column 7, lines 24-29), the front end 25a and the object manager 25c cannot be called in any desired order.

With respect to features c) and d):

Because the front end 25a is called by the requests received over the network in TCP/IP protocol (see column 7, lines 7 - 10), it is not called by the runtime system.

Because the object manager 25c is called by the front end 25a (see column 7, lines 45-46), the object manager is not called by the runtime system as is stated in feature d). The runtime system does not access the memory area to stipulate an order wherein the processing routines are called.

Even if there were a suggestion to combine the teachings of Thibault et al. and Paavilainen et al., the claimed invention would not have been obtained for the reasons discussed above with regard to the deficiencies in the teaching of Thibault et al.

Under the heading "Claim Rejections – 35 USC § 103" on page 7 of the above-identified Office Action, claims 12, 16, 17, and 19-20 have been rejected as being obvious over EP 0825 506 A2 to Thibault et al. in view of U.S. Patent No. 6,598,142 B2 to Paavilainen et al. and further in view of in view of published U.S. Patent Application 2003/0014500 A1 to Schleiss et al. under 35 U.S.C. § 103. Applicants respectfully traverse.

Even if there were a suggestion to combine the teaching of Schleiss et al. with the teachings of Thibault et al. and Paavilainen et al., the invention as defined

by claims 12, 16, 17, and 19-20 would not have been obtained for the reasons given above with regard to the teaching in Thibault et al. and the invention as defined by claim 10.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 10. Claim 10 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 10.

In view of the foregoing, reconsideration and allowance of claims 10-20 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

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Respectfully submitted,

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